App. F. IX-4

1949-50
(CB)

File No. 181-49

Previous References.

Serial Nos. 2

Later References.

GENERAL AND REVENUE SECRETARIAT

Serial Nos. One

Part B for DOV 69

SUBJECT

Agreements with other Governments - Opinions & Central Excise.

Dor 29/11

1850
CB

Agreements with other Govts

The mistas of the Governor General in Council in the matter of prohibiting or limiting the manufacture of Salt and opium and the cultivation of Poppy in Mysore; also in the matter of giving effect to all such regulations as may be considered proper in respect of ~~import~~ export and import of Salt, opium and (Poppy-heads) [illegible] of

Chief Secy)

25/10/49 Vrs

27/10/49 asmR

CHIEF SECRETARY 27 OCT 1949 GOVT. OF MYSORE

29/10 115

[illegible] May this be recorded?

(A note on 'opium' sent by the Excise Comsr with his letter No A1-4189-4195 31-10-49

16/11/49 Vrs

[illegible] is put up)

[illegible] subject [illegible] of 'Central Excises'

yes asmR 10/11/49

B

Agreement with other Govts

Subjects:—

These are essentially
Central Sources of Revenue.

As such, the question of sharing
in the revenue between the Govt
of India and Mysore does
not arise. Consequently there
do not appear to exist any agreem
between the two Govts on these
subjects beyond what
is prescribed by Article 17 of
the Mysore Treaty of 1913
which continues to be in
force at present.

25/10/49 Vs

Article 17

"The Maharaja of Mysore
shall comply with the

8th Nov '19

To 5060/CB

The Excise Commr in Mysore

Bangalore.

Subject:- Compilation of Agreement

Sir,

With I am directed to return herewith
the file of papers of your office, on the
subject of 'Opium and central
Excise' received with your D.O
letter No A1-489/19 dated 31-10-19

Yours faithfully.

for Chief Secy to Govt
Vrs.

Un-official File No.A2-449/49.

Bangalore, dated 19-10-1949.

Returned with compliments.

2. Resolutions Nos. 1 and 2 relate to the Prohibition of the use of Opium which is entirely dependent on the Policy of Government. The present policy being in favour of total Prohibition, the consumption of Opium, as also all intoxicating liquors and drugs, will automatically vanish as soon as total Prohibition is introduced throughout the State.

3. As regards Resolution No.3, the present per capita consumption of Opium in the State is less than the limit of six seers to every 10,000 of population prescribed by the League of Nations, being less than one seer for every 10,000 of the population. This may be intimated to the Government of India. It may also be pointed out that other measures contemplated in Resolution No.2 about the restriction in the use of Opium for quasi-Medical purposes would be taken.

4. Resolution No.4 requires regulation of the issue of Opium to Registered Medical Practitioners and Pharmacists. At present exact information about issues to the Medical Practitioners and Pharmacists is not available. Information will be obtained from the Deputy Commissioners of Districts and quotas on the average supplies received by them during the past three years will be fixed.

5. Resolutions Nos. 5 and 6 do not relate to the Mysore State as it is not a growing area.

6. Resolution No.7 relates to the uniformity in the prices. As resolved, the matter may be taken up with the All-India Narcotics Board, if they should call for any information required by them in fixing up a uniform rate.

7. Resolution No.8 requires that offences against the Opium Prohibition Laws should be made penal. As the Mysore

Mysore Government has adopted the Indian Opium Act, punishments for Opium offences are provided under Section 9 which empowers the trying Magistrate to inflict punishment with imprisonment for a term which may extend to one year or with fine which may extendto one thousand Rupees or with both. As it is, it is only breaches of licensed conditions that are being dealt with as Revenue offences and all other Opium cases are being treated as penal offences.

8. As regards Resolutions Nos.9, 10, and 11 uniformity in the application of Laws to other narcotic drugs and the question of formulating Rules, etc., may be left to the All-India Narcotics Board. A reply to Government accepting the suggestion of the Government of India to refer the question to the Expert Committee has been furnished (Vide this office letter No.A2-449/49 dated 19-10-1949).

Sd/-.Mahomed Ismail Sheriff,
Excise Commissioner in
Mysore.

To:-

The Secretary to the Government of Mysore,
Revenue Department, Bangalore.

"C O P Y"

For Excise Commissioner in
Mysore.

mdm.

RESOLUTIONS ADOPTED AT THE ALL-INDIA OPIUM CONFERENCE, 1949.

1. The Conference recommends that, within a maximum period of ten years, the use of Opium for other than scientific and medical purposes should be totally prohibited. It will, however, be open to each Province or State or Union of States to achieve this objective within a shorter period.

2. Recognising that the quasi-medical uses of opium are not desirable, and should be stopped as early as possible, the Conference resolves that so far as such quasi-medical uses are concerned, even within the foregoing period, they should be subject to such restrictions as a Province or State considers reasonable and practicable. For reducing consumption of opium, such restrictions may provide (a) that the quantity issued even to registered addicts should be severely restricted, and reduced, and allowed under a strict permit system after obtaining a medical certificate; (b) that it would be open to the Provinces and the States and Unions of States to prohibit in any selected area the use of opium by individuals except on medical prescription; (c) that it would be open to the Provinces, the States and Unions of States to progressively reduce the quantity issued even for quasi-Medical uses. In particular they recommend to the martime Provinces, States and Unions of States the prohibition of the sale of opium for non-Medical purposes in the port towns and cities, at the earliest opportunity, compatible with effectiveness.

3. The Conference recommends that each Province, State, Union of States in the Indian Union which already allows excessive consumption should within the shortest possible period, and in any case before four years, take effective steps to bring down the <u>per capita</u> consumption of opium to a level not exceeding the League of Nations limit which works up to 6 seers to every 10,000 of population.

4. The Conference recommends that, having regard to the possibilities of misuse or unauthorised consumption of opium, the Provinces, States and Unions of States should carefully regulate the grant of quotas to even registered medical practitioners and pharmacists.

5. The Conference recommend that exports for oral consumption and non-medical uses should be eliminated, subject only to existing commitments being honoured. But so far as exports are for medical and scientific purposes, although it should be the aim to expand the domestic alkaloid industry, there should be no objection to growing raw opium for export.

6. The Conference considers that the Government of India, as advised by the All India Narcotics Board, will be in the best position to determine the extent of poppy cultivation, having due regard to the factors governing efficient production, and the annual requirements for domestic use as well for export. It however, urges that the feasibility of concentrated cultivation should be examined, both from the point of view of economics, as well as of greater efficiency of control. It also considers the desirability of having unified legislative and administrative control over cultivation and manufacture of opium in the Provinces, the States and Unions of States, and closure of factories, which are not essential, and where direct co-ordinated control by the Government of India is not possible.

7. The Conference recommends that, in principle, there should be uniformity in prices throughout the Provinces, the States and Unions of States, and consider this will remove an incentive to smuggling, and at the same time encourage the pharmaceutical industry. The All-India Narcotics Board may be directed to advise the Government of India in the matter after consulting the Provinces, the States and Unions of States concerned.

8. The Conference recommends that offences against the opium prohibition laws should be regarded as penal offences and not merely revenue offences.

9. Having regard to international restrictions and prohibitions, the Conference urges that the Provinces, the States, and Unions of States should, consider applying the recommendations

made

made in the case of opium mutatis mutandis to other narcotic drugs. Regarding Bhang, in view of the administrative difficulties, caused by its wild growth, the Conference suggests that steps for achieving a similar prohibition should be evolved in consultation with the All-India Narcotics Board or an Experts' Committee.

10. The Conference affirms the desirability of having uniform legislation regarding internal import, export, sale, etc., and recommend that the Government of India should, in consultation with the Provinces, the States and Unions of States evolve a uniform code.

11. The Conference recommends that, in regard to the unform code, and any control necessary to enforce prohibition of Bhang, an Expert Committee should be set up to report to the Government of India. The Government of India should settle the terms of reference and composition of the Committee.

"C O P Y"

For Excise Commissioner in Mysore, Bangalore.

mdm/31-10-49.